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Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 11-0298 RS
Plaintiff,)
v.)
GILBERTO ANDRACA-CARDENAS,)
Defendant.)
)
**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

The defendant appeared for a status conference before this Court on September 6, 2011. The defendant requested that this matter be continued to October 4, 2011. The defendant is waiting for transcripts from Hayward Superior Court. These transcripts will help determine the validity of the defendant's underlying removal which could affect the current prosecution. The Government did not object to the continuance. The parties have agreed to exclude the period of time between September 6, 2011 to October 4, 2011, from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation and continuity of counsel. *See* 18 U.S.C. §

1 3161(h)(7)(B)(iv). The parties also agree that good cause exists, and that the ends of justice
2 served by granting such an exclusion of time outweigh the best interests of the public and the
3 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings
4 consistent with this agreement.

5 SO STIPULATED:

6 MELINDA HAAG
7 United States Attorney

8
9 DATED: September 22, 2011

/s/ _____
10 SUSAN PHAN
Special Assistant U.S. Attorney

11
12 DATED: September 22, 2011

/s/ _____
13 STEVEN KALAR
Attorney for GILBERTO ANDRACA-CARDENAS

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[PROPOSED] ORDER

For the reasons stated above at the September 6, 2011 status conference, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from September 6, 2011 to October 4, 2011 is warranted and that good cause exists, and the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A).

IT IS SO ORDERED.

DATED: 9/23/11


RICHARD SEEBORG
United States District Judge